

# REMARKS/ARGUMENTS

A. The amendments to Paragraph [0008] of the Specification introduce a discussion of the Burpo and Ferguson prior art cited by Examiner. The language added to the end of Paragraph [0013] consists of descriptive words for the Head Piece and Torso Piece that, though different from, are equivalent to the earlier language and drawings. The rest of the amendments to the Specification are for the purpose of clarifying the language, including the correction of typos. Applicant submits that all of the changes to the Specification requested in this paper are supported by the application as originally submitted.

B. The amendment submitted herewith to pending Claim 2 adds to that claim a limitation consisting of the torso piece previously introduced later in the sequence of claims depending from Claim 2. Also, an additional limitation to the claimed Head piece has been added, one that is in accord with the appearance of the Head piece the figures of the application. In addition, pending Claim 5 has been amended for consistency with the amended language of Claim 2.

C. Examiner has objected to pending Claim 4 because of a typographical error. The requested amendment to that claim corrects the error.

D. Claim 8 has been cancelled.

E. Claim 9 has been amended so as to remove the "head block cover" limitation, and Claim 10 has been amended so as to bring it into accord with Claim 9 as currently amended.

F. Claim 11 has been amended so as to remove the "torso block cover" limitation.

G. New Claims 12 and 13 add the limitations removed from Claim 9 and Claim 10, respectively.

H. New independent Claim 15 claims the sleeping system described in the application as

submitted with a number of additional limitations compared to the existing claims, as do the claims depending from it.

I. New Claims 16-18 depend from new independent Claim 15.

J. New Claim 19 is an independent method claim similar in substance to now-cancelled Claim 8.

K. Examiner has rejected pending Claims 2-7 under 35 USC 102(b), on the grounds that the structure described in each of those claims is anticipated in its entirety by Ferguson '419. Applicant begins his response by discussing his Claim 2 in light of Ferguson, in particular Fig. 3 of Ferguson, and by respectfully disagreeing with Examiner's assertion that the head piece of Ferguson is wedge-shaped. Fig. 3 is misleading. However, a comparison of it with the same head piece shown in Fig. 1 and Fig. 2 of Ferguson shows that it cannot possibly be wedge-shaped. Applicant suggests that a careful reading of Ferguson will reveal that what appears to show the head piece to be wedge-shaped is only the pillow's interface with the body piece. Although the body piece of Ferguson is wedge-shaped, the head piece is not. Indeed, a distinction is made between the wedge-shaped body piece and the *inclined* head piece. (See, for example, Column 1, lines 8-10.) In the description of Fig. 3 in Col. 3, line 11 et seq., the "triangular planar main body attachment side end surface," the word "triangular" modifies "surface"; it is not referring to the cross section of the head piece which, as stated above, Fig. 1 and Fig. 2 show *cannot* have a triangular cross section.

Applicant's Claim 2 describes a Head piece having a shape that allows the head of a prone sleeper to be turned by a small angle with respect to his or her torso. Applicant submits that the head piece disclosed by Ferguson is not usable at all by a prone sleeper and indeed teaches away from the invention claimed in Claim 2. Because the entire upper surface of the head piece of Ferguson is elevated above the sleeping surface, the prone sleeper using this visco-elastic object as a pillow would have his or her neck bent upward from the level of the spine. In addition, the prone sleeper would have to choose between two uncomfortable

orientations for his or her head: facing directly down into the pillow or turning the head far past the angle that is threshold to neck-spine injury. Applicant hereby requests Examiner to lift the Ferguson-based 102(b) rejection from Claim 2 as amended and from Claims 3-7 depending from it.

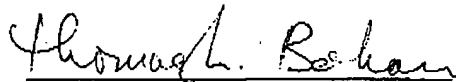
L. Examiner has rejected Claims 2-11 under 35 USC 102(b) as being anticipated by Burpo '140 because the structure described in each of those claims is anticipated completely by Burpo. The structure disclosed by Burpo comprises two wedge-shaped pieces, identical to one another, with longitudinal dimensions approximately equal to the length of an adult from the knees up. Applicant has amended pending Claim 2 so that it describes in more detail his invention as claimed in the application as filed. In particular, Claim 2 as amended is directed at two dissimilar wedge-shaped elements, including a head piece that is the length of a head. This permits it to serve the angle-defining role that the application and Claim 2 specifies for it. Even if one dispenses with the elements connecting the two wedge-shaped piece of the Burpo system, there is no plausible way to deploy the two wedge-shaped pieces so that they can serve the purpose of the structure claimed in Applicant's Claim 2 as amended. It is respectfully submitted, therefore, that Burpo does not disclose all of the elements of Claim 2 and therefore does not support a 102(b) rejection of that claim. Applicant requests that that rejection therefore be removed by Examiner. Furthermore, and for the same reason, it is submitted that Burpo does not now support a 102(b) rejection of the Claims 3-11 dependent from Claim 2, and Applicant requests that those rejections be likewise removed.

M. For the reasons set out in the foregoing paragraphs, Applicant submits that the pending claims as amended are now in order for allowance and respectfully requests that Examiner declare them as such.

N. Since the number of independent claims and the total number of claims that will be pending after the entry of the requested amendments will be less than the respective numbers covered by the base application fee, no additional money need be submitted in that regard. This RCE is being filed within four months of the mailing date of the Office Action and, thus, a

fee for a one-month extension is required in addition to the RCE fee. Authorization for payment of these fees is included with the RCE transmittal.

Respectfully submitted,



Date: September 2, 2005

Enclosed:  
RCE Transmittal  
Petition for Extension

Thomas L. Bohan  
Attorney for Applicants  
Reg. No. 29,773  
Bohan, Mathers & Associates, LLC  
P. O. Box 17707  
Portland, ME 04112-8707  
(207) 773-3132